

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-14 are presently active in this case.

In the outstanding Office Action, Claims 1, 4-8 and 11-14 are rejected under the judicially doctrine of obviousness-type double patenting as being unpatentable over Claims 1-2, 5, 10, 14-15, 17 and 19-21 of U.S. patent number 6,712,476; and Claims 2-3 and 9-10 were rejected as being dependent on a rejected base claims, but would be in allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

In response to the rejection under the judicially created doctrine of double patenting, Applicants herewith file a terminal disclaimer in compliance with 37 C.F.R. § 1.321 thereby overcoming the double patenting rejection of Claims 1-2, 5, 10, 14-15, 17 and 19-21. For the record, Applicants note that the “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits on the rejection.” Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 874, 20 USPQ2d 1392, 1394-5 (Fed. Cir. 1991).

Regarding the objection of Claims 2-3 and 9-10, Applicants terminal disclaimer filed herewith overcomes this rejection. Therefore, Claims 2-3 and 9-10 are in condition for allowance.

Consequently, in view of the present response, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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